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CHARTER*

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***Editor's note**—Printed in this part is the city's Charter as set forth in 1911 Ga. Laws, page 1267. Amendments to the act are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original act. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

State law references—Municipal corporations generally, O.C.G.A. § 36-3-1 et seq.; incorporation of municipal corporations, O.C.G.A. § 36-31-1 et seq.; powers of municipal corporations generally, O.C.G.A. § 36-34-1 et seq.; powers relating to administration of municipal government generally, O.C.G.A. § 36-34-2; The Municipal Home Rule Act of 1965, O.C.G.A. § 36-35-1 et seq.; home rule for municipalities, Ga. Const. art. IX, § II, ¶ II.

Sec. 1. Incorporation.

Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, that from and after the passage of this act, the City of Gray, in the County of Jones, be, and the same is, incorporated under the name and style of the City of Gray, and by that name have perpetual succession, may have and use a common seal, may sue and be sued, plead and impleaded in any court of law or equity in this state, may purchase, have, hold, receive, enjoy and retain to itself any estate or estates, real or personal of whatever kind or nature, within or without the corporate limits thereof, may through its mayor and aldermen sell or otherwise dispose of the same for the benefit of said city, as mayor and aldermen in regular council meeting may adjudge fit and proper. The mayor by direction of said council making, executing, delivering all contracts thereto. When and whereafter the words "Town of Gray" are used within this act, the words "City of Gray" shall be substituted, and when and whereafter the word "town" is used in this act the word "city" shall be substituted therefor.

(1961 Ga. Laws, page 3121)

Sec. 2. Corporate limits.

The corporate limits of said city shall extend in every direction fifteen hundred yards from the northeast corner of the present courthouse of the said county of Jones.

Sec. 2A. 1966 extension of corporate limits.

In addition to the territory embraced within the corporate limits of the City of Gray as provided in section 2, the following described property shall also be embraced within the corporate limits of the City of Gray and shall be a part thereof:

All that certain tract or parcel of land lying and being in Davidson Militia District of Jones County, Georgia, lying and being adjacent and contiguous to the original and present corporate limits of the City of Gray (which original corporate limits of the City of Gray is fifteen hundred yards in every direction from the northeast corner of the present courthouse of said County of Jones), and which tract or parcel of land is shown on a certain plat entitled "Pinewood Estates," dated March 17, 1965, made by S. J. Gostin Company, Inc., recorded in plat book one, page 201, Jones County clerk's office, and which is more fully described as follows: Starting at a point on the north edge of Washburn Road, which is a public county road, at a point where the present corporate limits intersects the north edge of said road, and which point is sixty feet, more or less, in a southeasterly direction from the west corner of lot twenty in block "C" as shown by said plat, and thence running in a southeasterly direction along the north edge of said county road for a distance of three hundred and seventy-five (375) feet, more or less, and to the south corner of lot one in block "E", as shown by said plat; thence running in a northeasterly direction along the southeast edge of block "E," and across Evergreen Drive Street for a total distance of eleven hundred (1100) feet and to the south corner of block "F", all as shown by said plat; thence running in a northwesterly direction along the north edge of Evergreen Drive Street for a distance of four hundred and sixty (460) feet and to the south corner of lot one block "D", as shown by said plat; thence

running in a northeasterly direction along the southeast line of lots one, two and three of block "D" for a distance of two hundred and ninety-five (295) feet and to the east corner of lot three of block "D", as shown by said plat; thence running in a northwesterly direction along the northeast line of said lot three block "D", and across Brookwood Drive Street, and along the northeast line of lot three block "B," for a total distance of two hundred and sixty-five (265) feet and to the north corner of said lot three block "B," as shown by said plat; thence running in a southwesterly direction along the northwest line of block "B", across Evergreen Drive Street, and along the northwest line of block "A", for a total distance of five hundred and seventy-five (575) feet, more or less, and to a point where the present corporate limits intersects the northwest line of lot eight block "A", as shown by said plat; thence running generally in a south-southwesterly direction following the present corporate limits line, for a distance of one thousand (1000) feet, more or less, to the east edge of said Washburn Road and to said point of beginning.
(1966 Ga. Laws, page 2032)

Sec. 2B. 1969 extension of corporate limits.

In addition to the territory embraced within the corporate limits of the City of Gray as provided in section 2 and 2A, the following described property shall also be embraced within the corporate limits of the City of Gray and shall be a part thereof:

All those certain tracts and parcels of land lying and being in Land Lot No. Fifty-four of the Ninth Land District and Davidson Militia District of Jones County, Georgia, lying and being adjacent and contiguous to the present corporate limits of the City of Gray, and being shown as lots numbered one hundred eighty (180) and one hundred eighty-one (181) as shown by a certain plat entitled "Turner Grove Addition" dated August 24, 1965, made by Calvin W. Rice, Registered Surveyor No. 58, recorded in plat book one, page 167, Jones County Clerk's Office, and which is more fully described as follows: Starting on the northeast edge of Pinewood Drive Street, as shown by said plat, at a point where the present corporate limits intersects the northeast edge of said street, said point being the south corner of above mentioned Lot No. 180 and the west corner of Lot No. 1 in Block "B" as shown by plat entitled "Pinewood Estates," dated March 17, 1965, recorded in plat book one, page 201, said clerk's office, and thence running north 44°31' east one hundred sixty-two and six tenths (162.6) feet and to the east corner of said Lot No. 180; thence north 43°50' west along the northeast line of said lots numbered 180 and 181 a distance of one hundred eighty-eight and one tenth (188.1) feet and to the north corner of said Lot No. 181; thence south 45°57' west along the northwest line of said Lot No. 181 a distance of one hundred sixty-two and five tenths (162.5) feet and to the northeast edge of Pinewood Drive Street; thence south 43°50' east along the northeast edge of Pinewood Drive Street a distance of one hundred ninety-two and two tenths (192.2) feet and to the point of beginning.
(1969 Ga. Laws, page 2977)

Editor's note—Additional territory has been annexed into the city pursuant to the following ordinances, official copies of which are on file in the office of the city clerk: Ord. of 1-5-1981, Ord. of 10-3-1988, Ord. of 3-6-1989, Ord. of 6-3-1991, Ord. of 7-12-1993, Ord. of 7-17-1997(1), Ord. of 7-17-1997(2), Ord. of 7-17-1997(3), Ord. of 7-17-1997(4), Ord. of 12-8-

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1997, Res. of 2-2-1998(1), Res. of 2-2-1998(2), Ord. of 7-6-1998(1), Ord. of 7-6-1998(2), Ord. No. 02-O-003, 8-5-2002, Ord. No. 03-O-002, 8-4-2003, Ord. No. 03-O-005, 11-3-2003, Ord. No. 04-O-003, 3-1-2004.

1997, Res. of 2-2-1998(1), Res. of 2-2-1998(2), Ord. of 7-6-1998(1), Ord. of 7-6-1998(2), Ord. No. 02-O-003, 8-5-2002, Ord. No. 03-O-002, 8-4-2003, Ord. No. 03-O-005, 11-3-2003, Ord. No. 04-O-003, 3-1-2004; Ord. of 2-7-2005; Ord. of 6-6-2005; Ord. of 11-7-2005(1); Ord. of 11-7-2005(2); Ord. of 11-7-2005(3); Ord. of 11-7-2005(4); Ord. of 11-7-2005(5); Ord. No. 11-O-009, 9-6-2011.

Sec. 3. Mayor and aldermen subordinate officers.

The municipal government of said town shall consist of a mayor and five aldermen; said council may elect or appoint such other subordinate officers of said town as they may deem necessary at any time for the enforcement of the provisions of this Charter or any ordinance passed in pursuance thereof, all of whom shall be deemed and held lawful officers of this State and town. All subordinate officers shall hold their offices at the will of said council, and receive such salary or compensation as may be attached to such office or appointment, and shall take and subscribe such oath and execute such bond for the faithful discharge of the duties that shall be required by the ordinances of said city.

Sec. 4. Council districts.

(a) An election for the purpose of choosing candidates to succeed the present incumbents in the offices of mayor and aldermen shall be held on the first Wednesday in November, 1985, and every four years thereafter under such rules and regulations as may be adopted by the mayor and council which are not inconsistent with the provisions of this Charter and the laws of Georgia. The candidates for said offices so elected shall take office on the first day of January following their election and shall serve for four years and until their successors are duly elected and qualified.

(b) There shall be four aldermen elected as the aldermen from Post No. 1, Post No. 2, Post No. 3, and Post No. 4. Each of such aldermen must be a resident of the district described in subsection (d) of this section which has the same number as the post for which he or she seeks election. Each of such aldermen shall be elected by only the voters of the district which he or she represents.

(c) There shall be one alderman who may reside anywhere within the City of Gray and who shall be elected by all the voters of the City of Gray; and this alderman shall during his or her term as alderman serve as mayor pro tem. The mayor likewise may reside anywhere within the City of Gray and shall be elected by all the voters of the City of Gray.

(d) For purposes of electing the aldermen from Posts No. 1 through 4, the City of Gray is divided into four districts as follows:

District One:

Tract: 030301

Blocks:

1059	2025	2050	2092	2120
1060	2026	2051	2093	2121
1077	2027	2052	2099	2123
1078	2030	2071	2100	2124
2019	2031	2083	2101	2131
2022	2048	2084	2109	2132
2024	2049	2090	2114	

That part of Block 2013 which lies within the corporate limits of the City of Gray as they existed on November 21, 2011.

District Two:

Tract: 030301

Blocks:

1003	1016	1022	1051	1064
1004	1017	1026	1057	1065
1005	1018	1027	1058	1076
1009	1019	1048	1061	2138
1012	1020	1049	1062	
1015	1021	1050	1063	

District Three:

Tract: 030301

Blocks:

1052	1072	2046	2064	2073
1054	2039	2047	2065	2076
1066	2040	2053	2066	2133
1067	2041	2054	2067	2134
1068	2042	2055	2068	
1069	2043	2056	2069	
1070	2044	2057	2070	
1071	2045	2059	2072	

That part of Block 2078 which lies within the corporate limits of the City of Gray as they existed on November 21, 2011.

District Four:

Tract: 030301

Blocks:

1023	1031	1037	1046	1080
1024	1033	1038	1047	
1025	1034	1041	1053	
1028	1035	1044	1073	
1030	1036	1045	1075	

(1960 Ga. Laws, page 2884; 1984 Ga. Laws, page 3930; Ord. No. 04-O-007, § 1, 1-3-2005; Ord. No. 12-O-009, § 1, 1-7-2013)

Sec. 4A. Vacancies in offices of mayor and aldermen.

If a vacancy occurs in the office of mayor or alderman, the remaining members of the governing authority shall within 15 days after the date of the vacancy issue the call for a special election to fill such vacancy. Any such special election for mayor or mayor pro tem shall be citywide; and any such special election for one of the other aldermen shall be within the district in which the vacancy exists. Any mayor or alderman elected to fill a vacancy must meet the same residency qualifications as the person he or she succeeds. Any mayor or alderman so elected shall take office immediately following his or her election and shall serve for the remainder of the unexpired term.

(1966 Ga. Laws, page 2032; 1984 Ga. Laws, page 3930)

Sec. 4B. Election confirmed.

The special election held on December 29, 1965, to elect a mayor for a four-year term beginning January 1, 1966, to replace the deceased mayor-elect, in which election Honorable D. C. Childs, Jr. was elected is hereby confirmed and ratified, and the said Honorable D. C. Childs, Jr. is hereby named and designated as the official mayor of the City of Gray for said four-year term beginning January 1, 1966. All actions taken by said mayor and the city council are hereby ratified and confirmed.

(1966 Ga. Laws, page 2032)

Sec. 5. Elections.

All municipal elections in said city shall be held in such place or places as the mayor and council may select and designate. Said polling locations shall be open between the hours of 7:00 a.m. and 7:00 p.m. Said elections shall be held by any two citizens that may be freeholders of said city, being first sworn to hold said election properly and faithfully. Said freeholders shall be appointed by the council, neither of whom being a candidate. Said election shall be conducted as provided by law for the election of members of the general assembly for this state, except that only two list of voters and two tally sheets need be kept. The managers shall count the votes cast, declare the result and certify the same to the mayor and council, and deposit with the mayor all papers pertaining to said election, who shall retain them unopened for ten

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days and destroy them unless notice of a contest shall have been filed. All contests shall be conducted by the general laws of force in this state. If from any cause there should be a failure

to hold an election at the time appointed, the mayor and council may order an election to be held as soon as practicable by giving at least five days' notice thereof by publication or written notice at the courthouse.

(1960 Ga. Laws, page 2884)

State law reference—Georgia Election Code, O.C.G.A. § 21-2-1 et seq.

Sec. 6. Voters.

All persons qualified to vote for members of the general assembly in the County of Jones who have resided in said city six months next preceding said election, who have paid all taxes legally imposed by the authority of said city, including street tax and all fines lawfully imposed upon him, and have complied with such registration laws and ordinances as shall have been adopted by said council, shall be qualified to vote therein; provided, that no one shall be permitted to vote who on being challenged as a voter, fails to take the oath prescribed by law and to swear that he has been a bona fide citizen of said city six months next prior to said election.

State law reference—Georgia Election Code, O.C.G.A. § 21-2-1 et seq.

Sec. 7. Illegal voting.

Any person voting illegally at any municipal election held in said city shall be guilty of a misdemeanor, and be punished as prescribed by law for illegal voting in this state.

State law reference—Georgia Election Code, O.C.G.A. § 21-2-1 et seq.

Sec. 8. Qualifications of mayor and aldermen.

The mayor and aldermen shall at the time of their election be qualified voters in said city and shall receive no salary for their services, but shall be exempt from street tax during their continuance in office.

Sec. 9. Oath of mayor and aldermen.

The mayor and aldermen-elect shall within ten days after their election, meet at a time and place to be designated by said mayor and take and subscribe an oath faithfully and to the best of their ability to discharge the duties of the respective offices, which shall be recorded in the minutes of the council.

Sec. 10. Municipal officers.

The said mayor and aldermen shall also elect a treasurer and marshal and deputy marshal if they deem necessary, each of whom, when elected, shall enter into a bond with sufficient sureties approved by the mayor, in such penalty as the council shall prescribe, payable to the corporation, conditioned faithfully to collect and pay over as required by the council, all taxes, fines, forfeitures, and all other incomes of said corporation, and said officers shall continue in office during the pleasure of council, and perform the duties respectively as prescribed, or as may be required by the council.

Sec. 11. Meetings and per diem of mayor and aldermen.

The mayor and aldermen shall hold at such times and places as they may appoint, meetings for the transaction of the business of the city. The mayor shall preside over said meetings and shall vote on all questions in case of a tie. While the mayor and aldermen are attending council meetings, they shall receive a per diem salary, the rate for which shall be set by each administration in their own discretion.

(1960 Ga. Laws, page 2884)

Sec. 12. Municipal court judge.

The mayor shall select an individual who is competent, in the mayor's discretion, to serve as the judge of the municipal court of said city, and the judge so designated by the mayor shall preside over all sessions of the municipal court. All offenders for the violation of the laws and ordinances of said city, shall be tried in said court. The municipal court judge upon conviction shall punish each offender by a fine not exceeding one thousand dollars, or imprisonment in the calaboose or county jail not exceeding six months, or work on the streets not exceeding ninety days, any one or two, or all of such punishments, in his discretion. The municipal court judge shall have power to punish for contempt by fine not exceeding two hundred dollars, and imprisonment not exceeding ten days. From the decision of the municipal court judge there shall be right of appeal to the council, a majority of whom shall decide all questions and issues on appeal.

(1960 Ga. Laws, page 2884; Ord. of 3-1-1999(2))

Sec. 13. Powers and duties of mayor.

The mayor shall:

- (1) Be the chief executive officer of the city;
- (2) See that the laws and ordinances, rules, and orders of the mayor and council are executed;
- (3) Be the head of the city for the service of process; and
- (4) Sign as a matter of course on behalf of the city all written and approved contracts, ordinances, and other instruments executed by the city which are required by law to be in writing.

(HB 1472, § 1, 4-27-2010)

Sec. 14. Powers of mayor pro tem.

In the case of the absence, sickness, or disqualification of the mayor, the mayor pro tem shall exercise all the powers with which the mayor is invested and perform all the duties required of the mayor.

(1984 Ga. Laws, page 3930)

Sec. 15. General welfare.

Said mayor and aldermen shall have power and authority to pass all laws, ordinances and rules for the government of said city, not in conflict with the constitution and laws of this state for the protection of life, property, peace, good order, health, comfort and convenience of the citizens of said city, and other persons therein, and to provide suitable penalties for the violations of the same.

Sec. 16. Powers of mayor and councilmen.

The said mayor and councilmen of the City of Gray shall have power and authority over all streets, alleys, sidewalks, parks and cemeteries; to remove all obstructions and nuisances therefrom; to regulate and control all public houses, markets, butcher pens, hog pens, livery stables, blacksmith shops, ginneries, mills, and machinery propelled by steam, gasoline or electric power, and to remove the same should they become dangerous to the persons or property or injurious to public health; to establish fire limits and regulations to guard against fires; to move or cause to be removed all buildings or parts of buildings or other obstructions that may be classified by the mayor and council as a nuisance or a fire hazard, and to organize and maintain a fire department; to establish a system of sewerage, drainage and waterworks, inside or outside the city limits; to maintain street light; to establish and maintain an electric light plant and system; to establish and maintain other appliances and other improvements that may conduce to the health and comfort of the citizens of the city; to fill excavations, construct ditches, drain ponds and marshes; and to exercise police authority over all parts of the city as will conduce to the health, peace and comfort, good order and the convenience of the citizens, and to pass all such ordinances as they may deem necessary therefor. Provided, however, the county authorities of said County of Jones shall continue to work, maintain in repair all public roads and highways in said city for a uniform width of thirty feet as if this act had not been passed, until the council of said city shall take over and assume to discharge the care and maintenance of said roads and highways.

(1945 Ga. Laws, page 693; Ord. of 11-2-1998)

Sec. 16A. Powers regarding streets, alleys, squares.

The mayor and aldermen shall have full power and authority to open, close, lay out, widen, straighten, or otherwise change streets, alleys and squares in the City of Gray.

(1957 Ga. Laws, page 2160; 1961 Ga. Laws, page 2416)

Sec. 17. Tax rate ad valorem.

Said mayor and aldermen shall have power to levy and collect an ad valorem tax of not exceeding two percent upon all property, both real and personal, in said city, and upon all franchises exercised therein, and may adopt such measures in their discretion as shall secure the fair and equitable return of all properties for taxation, and may, in their discretion appoint

three freeholders of said city as tax assessors whose duty it will be to assess all property in said city for taxation at a fair cash valuation, and that said assessors shall have been residents of said city six months prior to said appointment.

(1937-38 Ga. Laws, page 1114)

Sec. 18. Taxes, etc., how collected.

The mayor and aldermen of said city shall have power and authority to enforce by execution the collection of any amount due or to become due to said city for taxes, fines, assessments, license fees or otherwise, which executions shall be issued by the secretary and treasurer and bear test in the name of the mayor, and be directed to the marshal of said city, his deputies and sheriffs, and deputies of this state, who are hereby authorized and required to execute all writs, processes, warrants, executions, subpoenas, rules and orders as aforesaid. All sales by said marshal shall be conducted as provided by law for sheriff's sales, and as such he shall make title and put purchasers in possession of property sold; provided, that the marshal shall turn over to the sheriff all levies made on real estate who shall sell same as provided by law.

Sec. 19. Liens; claims and illegalities.

All judgments and executions issued under the provisions of this act shall be a lien upon and bind all the property of the defendant, from the date thereof, and shall rank with and have precedence as provided by the laws of this state as to liens by executions and decrees. All claims and illegalities filed thereto shall be returned to the superior court of Jones County, or other court of said town or county having jurisdiction, and be there tried as provided by law for the trial of other claims and other illegalities, the cost to be the same and to be taxed and paid as prescribed by law for other such cases in such courts.

Sec. 20. Mayor pro tem.

In the event there should from any cause be a vacancy in the office of mayor, the mayor pro tem shall become mayor with all the powers heretofore set out until the next general election and the council shall from their number elect a mayor pro tem.

Sec. 21. Repeal of conflicting laws.

All laws and parts of laws in conflict with this act be, and the same are, hereby repealed.

Sec. 22. Checks to be signed by mayor and clerk-treasurer.

All checks which are issued by the City of Gray shall be signed by the mayor and clerk-treasurer. In the absence of the mayor, the chairman of the finance committee of the council shall have the power to sign instead.

(1960 Ga. Laws, page 2884)